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THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHANEL, INC., a New York corporation,

Plaintiff,

v.

CASONDRA TSHIMANGA a/k/a CASONDRA  
SMITH a/k/a CASONDRA SATCHER a/k/a C.  
MAYFIELD a/k/a ANNE LLOYD d/b/a  
HANDBAGOUTPOST.COM d/b/a  
DESIGNEROUTPOST.NET d/b/a  
HANDBAGSLUXURY.COM d/b/a BAY  
ELECTRONICS and Does 1-10,

Defendants.

Case No. C-07-3592-EMC

**CHANEL, INC.'S SECOND  
SUPPLEMENTAL MEMORANDUM  
IN SUPPORT OF ITS MOTION FOR  
ENTRY OF FINAL DEFAULT  
JUDGMENT**

Pursuant to this Court's Orders, dated April 28, 2008 and May 19, 2008, Chanel hereby files its Second Supplemental Memorandum in Support of its Motion for Final Default Judgment against the Defendant, Casondra Tshimanga ("Tshimanga" or "Defendant"), and states as follows:

**I. INTRODUCTION**

In its Order dated April 28, 2008, the Court expressed concern as to whether Defendant Tshimanga continued to be the owner or the registrant, administrative contact, and technical contact

1 for either HandbagOutpost.com or HandbagOutpost at any point between October 3, 2006 and the  
2 present, and whether she has a formal relationship to either DesignerOutpost.net or  
3 HandbagsLuxery.com since the name publicly identified as affiliated with those websites is Kelly  
4 Watson. In order to address the Court's concerns, Chanel sought and was granted permission to  
5 issue a Subpoena to Network Solutions, Inc. requiring the production of Network Solutions'  
6 business records pertaining to the registration accounts for the domain names HandbagOutpost.com,  
7 DesignerOutpost.net and HandbagsLuxery.com. True and correct copies of the documents produced  
8 by Network Solutions with respect to the domain names HandbagOutpost.com, DesignerOutpost.net  
9 and HandbagsLuxery.com are attached hereto as Exhibits "A," "B," and "C," respectively. A true  
10 and correct copy of the Affidavit of Natalie Sterling authenticating the Network Solutions' records  
11 produced is attached hereto as Exhibit "D." Exhibits "A," "B," and "C," attached hereto each  
12 include a Transaction Report for each domain name in question. As requested by the Court, this  
13 supplemental brief is being filed ten (10) days after the receipt of the documents requested from  
14 Network Solutions.

## 15 **II. HandbagOutpost.com**

16 The Transaction Report for HandbagOutpost.com reflects the date, time and relevant data  
17 associated with each modification made in the Network Solutions database with respect to any data  
18 field associated with the registration for the domain name. The earliest time stamps reflected on the  
19 Transaction Report is April 10, 2006 (two entries) and each reflects Casondra Tshimanga as the  
20 cardholder for the credit card associated with the account. Each also lists the e-mail address,  
21 Ebook555@comcast.net, as the e-mail address associated with the contact person for the account.  
22 The e-mail address Ebook555@comcast.net has been identified as Defendant Tshimanga's e-mail  
23 address by Chanel's private investigator, Robert Holmes. See, Third Declaration of Robert Holmes  
24 ("Third Holmes Decl.") attached hereto as Exhibit "E" at ¶ 6. The street addresses associated with  
25 the account as of April 10, 2006 are 2642 Oliver Drive, Hayward, California 94545 (the "Oliver  
26 Drive Address"), Tshimanga's home address, and 39270 Paseo Padre Parkway, Fremont, California  
27 94544.

Over the time period between April 10, 2006 and March 17, 2008, the account holder for HandbagOutpost.com initiated a variety of data field changes which are reflected on the Transaction Report. However, a comparison of various data fields over time shows that the account holder did not change. Three compelling pieces of data are reflected in the Transaction Report. First, for the transactions dated April 10, 2006, July 27, 2007, November 19, 2007 (two entries) and November 21, 2007, the address of the cardholder for the account remains constant as the Oliver Drive Address of Tshimanga. Second, for the time stamp dates April 10, 2006, April 3, 2007, (two entries) and July 27, 2007, the Ebook555@comcast.net e-mail address belonging to Tshimanga also remains constant. Finally, the data for the time stamp date March 15, 2008 reflects the credit card associated with the HandbagOutpost.com account to be a Visa card ending in 4429. The same Visa card ending in 4429 is reflected as associated with the account for the time stamp dates April 10, 2006, July 27, 2007, November 19, 2007 (three entries) and November 21, 2007. Tshimanga's Oliver Drive Address is associated with the Visa card ending in 4429.

In addition to the foregoing, although Network Solutions' current records show the HandbagOutpost account to be associated with an address in Panama City, Panama, (Bates Stamp No. CH-036 – CH-042), the telephone number associated with the account holder and primary user remains as (800) 431-1365, which was part of the return address associated with Holmes' purchase of counterfeit Chanel merchandise from HandbagOutpost.com and the e-mail address associated with the account remains as Ebook555@comcast.net, Tshimanga's e-mail.

### **III. DesignerOutpost.net**

The Transaction Report for DesignerOutpost.net reflects that the only transaction associated with the account occurred on June 1, 2006. At that time, the account was tied to a Visa card ending in 3206 in the cardholder name Casondra Tshimanga. The address associated with that Visa card and the DesignerOutpost.net account was Tshimanga's Oliver Drive Address, and the e-mail address associated with the account was Tshimanga's Ebook555@comcast.net. The Visa card ending in 3206 was the same card associated with the HandbagOutpost.com account on April 10, 2006. See, Exhibit "A."

**IV. HandbagsLuxery.com**

The Transaction Report for HandbagsLuxery.com reflects only two transactions associated with the domain name account. The first transaction on December 10, 2006 identifies Casandra Satcher, an alias for Tshimanga as alleged in Chanel's Complaint, and the physical address and e-mail address associated with the account are Tshimanga's Oliver Drive Address and her Ebook555@comcast.net e-mail.

The second transaction with respect to HandbagsLuxery.com occurred on November 29, 2007. That transaction reflects no address or e-mail address associated with the account. However, the Visa card ending in 4429 and the identified cardholder name, More Baggs Inc., exactly match those reflected on the Transaction Report for HandbagOutpost.com on dates between July 27, 2007 and March 17, 2008.

**V. CONCLUSION**

In view of the foregoing, Chanel respectfully suggests that it is appropriate for this Court to enter judgment against Tshimanga which includes a damage assessment based upon Tshimanga's operation of HandbagOutpost.com, DesignerOutpost.net and HandbagsLuxery.com and a Permanent Injunction prohibiting Tshimanga, and anyone acting in concert or in association with her, or at her direction from continuing to infringe Chanel's trademark rights or otherwise unfairly competing with Chanel via any of the same three domain names and associated websites.

Dated: June 20, 2008

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

By: \_\_\_\_\_/s/  
Kenneth Keller  
Attorneys for Plaintiff CHANEL, INC.